GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Namarla Satyanarayana, S/o Namarla Venkata Rao, Occ: Superintendent of Customs, O/o the Principal Commissioner of Customs, Vishakhapatnam District, under Section 7(2) of the Act 16 of 1993, against the proceedings No.(M) R.Dis.No.2351/2015/C5, dated 25.06.2018 of the District Collector, Visakhapatnam, in cancellation of his ST-Konda Dora caste certificate – Appeal Petition dismissed - Orders - Issued.

DEPARTMENTOF TRIBAL WELFARE (CV)

G.O.MS.No.13 Dated: 26-06-2025

Read the following:-

1. Proceedings of the District Collector, Visakhapatnam, (M) R.Dis.No. 2351/2015/C5, dated 25.06.2018.
2. Appeal Petition filed by Sri Namarla Satyanarayana, S/o Namarla Venkata Rao, through his counsel, before Hon'ble M(SWE&TWE), Endt.No. 1431/SW&TW/2018, dt:10.07.2018.
3. Govt. Memo No.11021/51/CV2/2018, dt: 12.07.2018.
4. From the District Collector, Visakhapatnam, Lr.No. (M) Rc.No. 2351/2015/C5, dt:28.04.2019.
5. Govt. Memo No.11021/51/CV2/2018, dt.09.10.2019, 09.09.2021, 04.03.2022, 30.12.2022, 24.02.2023 & 26.09.2024,29.01.2025&11.03.2025.
6. Written arguments filed by the impeded party (respondent) on 08.10.2024 and 22.03.2025.
7. Written arguments filed by the appellant through their council on 31.03.2025.

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ORDER:

In the Proceedings 1st read above, the Collector & District Magistrate, Visakhapatnam had issued orders cancelling the ST-Konda Dora Caste Certificate of Sri Namarla Satyanarayana, S/o Namarla Venkata Rao, Occ: Superintendent of Customs, O/o the Principal Commissioner of Customs, Vishakhapatnam vide proceedings No.(M) R.Dis.No.2351/2015/C5, dated 25.06.2018.

2. In the reference 2nd read above, Sri Namarla Satyanarayana, S/o Namarla Venkata Rao, has filed Appeal Petition before the Government against the Proceedings of the Collector & District Magistrate, Visakhapatnam. After examining the said Appeal Petition, Government while admitting the said appeal has granted stay as prayed for by the appellant and Para-wise remarks on the grounds filed by the Appellant along with connected records were called for from the Collector & District Magistrate, Visakhapatnam vide Govt. Memo 3rd read above.

3. In the letter 4th read above, the Collector & District Magistrate, Visakhapatnam has furnished the para-wise remarks on the Appeal Petition filed by Sri Namarla Satyanarayana, S/o Namarla Venkata Rao.

4. The said Appeal Petition has been posted for hearing before the Hon'ble Appellate Authority on several dates and finally hearing was held on 22.03.2025 duly informing the hearing communication to the Appellant and the Counsel for the Appellant vide reference 5th read above. During the course of the hearing, the Appellate Authority verified the records/ the copies of evidences/ academic record/ grounds filed by the Appellant/ written arguments submitted by both parities/ Para-wise remarks submitted by the Collector & District Magistrate, Visakhapatnam and proceedings of the District Collector, Visakhapatnam dated: 25.06.2018, the Appellate authority has observed that;

i. It is observed that this Appeal Petition was filed by the Appellant Under Section 7 of Act 16 of 1993 against the Proceedings No.(M) R.Dis.No.2351/2015/C5, dated: 25-06-2018 of the District Collector, Visakhapatnam, for cancellation of his ST-Konda Dora Caste Certificate and requested for stay on the proceedings of the District Collector, Visakhaptnam, dated:25-06-218 pending disposal of Appeal Petition, and he has also submitted his grounds in support of his claim.

[P.T.O]

ii. In this connection, it is observed that the following is the extracts of Section 7(2) of Act 16 of 1993 that "Any person aggrieved by an Order passed Under Section 5 by the District Collector may, within thirty days from the date of publication of such Order in the A.P. Gazette, appeal to Govt., and the Govt., may, after giving the Appellant an opportunity of being heard and subject to such rules as may be prescribed, confirm and set-a-side the Order appealed against", Section 7(4) of the Act 16 of 1993 says that "Pending disposal of an appeal under Section (2) of review under Sub Section (3), it shall be competent for the Government, to stay the operation of the Order against which an appeal or review, as the case may be, is filed". As per Section 7(2) of the Act 16 of 1993, the appeal Petition has to be filed before the Govt., within 30 days from the Gazettle publication of proceedings of the District Collector. As seen from the appeal petition, the District Collector, Visakhapatnam has issued proceedings on 25.06.2018. and the Appellant has filed this Appeal Petition before the Government on 10-07-2018, therefore, the appeal Petition filed by the Appellant is within the time of limitation i.e. within 30 days as per the rules prescribed therein.

iii. It is further observed that in the present case, the Appellant has filed Appeal Petition against the Proceedings of the District Collector, Visakhapatnam, dated: 25-06-2018, The then Hon'ble Minister for Tribal Welfare Department while admitting the Appeal petition has granted stay order. The District Collector, Visakhapatnam has been requested to furnish para wise remarks on the grounds filed by the Appellant and connected records on the said Appeal Petition. In this connection, a letter received from the Commissioner of Customs, O/o the Principal Commissioner of Customs, Visakhapatnam. The Principal Commissioner of Customs, Visakhapatnam, in his letters dated:06-02-2019 & 18-03-2019 has requested the Appellate Authority (Government) to expedite the appeal proceedings in the above subject.

iv. It is urged by the Appellant that except the Project Officer and Sub-Collector, Paderu, no other authority designated as a member of DLSC were present at the time when enquiry was taken up. However the report of DLSC seems to show signatures of the authorities i.e. District Revenue Officer, Deputy Director of Social Welfare, and District Tribal Officer, though none of them were either on the day of enquiries and except on two occasions, no enquiry was conducted, this shows there is no proper enquiry by the DLSC and duties casted upon this committee under the rules have not been properly discharged, and on this ground, the finding of DLSC are liable to set-a-sided. It if further urged that the whole report of finding of the Chairman of DLSC is based on the report of Sub-Collector, Paderu, Tahsildar and Village Revenue Officers (VROs) thus it appears that the Sub-Collector and Tahsildar have depended upon the Reports of VROs of Bennavaram and Balapam Villages of Chintapalli Mandal. It is in violation of the procedure contemplated in Clause-6 of Rule-8 of 1993, it contemplates that the enquiry has to be conducted by the DLSC not by the Tahsildars and it is against the due process of Law. The Appellant raised objections that it is also mandatory and principals of natural justice shall be complied by supplying all the relevant documents such as copies of the adverse material gathered against Appellant, so that Appellant can prepare a defence and further will be able to cross-examine the witnesses by seeking summoning of those witnesses as power of Civil Courts have been specially conferred on the respondent-authorities under Section -9 of the Act r/w rule-14 of the Rules. In spite of the above categorical objections raised by the appellant, none of above have being considered and the 2nd respondent issued the impugned proceedings (M) R.Dis.No.2351/2015/C5, dated: 25-06-2018 by simply referring to the explanation but rejecting the same by stating that the explanation of mind on the part of District Collector is evident from the impugned itself, the finding of DLSC are solely based upon the report submitted by the Tahsildar, Chintapalli Mandal and Reports of VROs of Bennavaram and Balapam Villages while the Case of the appellant in his explanation was also to the effect that no such enquiry was conducted in his presence, no names of the persons whom have been said to be enquired with doing such enquiry and at least copies of such reports or statements were furnished to the appellant and utter violence of natural justice for which reasons the impugned Order of the District Collector, Visakhapatnam is liable to be set-a-sided.

v. It is urged by the G.P. for Government that there were complaints i.e. 1. Namala Koteswara Rao and Namala Sanyasi Rao sons of Venkata Rao, residents of Gnanapuram, Visakhapatnam have filed separate complaints alleging that their eldest brother obtained fake ST Konda Dora Caste Certificate from the Tahsildar, Chintapalli Mandal in the year 1980 and got LDC Post under ST category and requested to

[Contd..on P.3]

cancel the said fake ST Certificate. The Tahsildar, Chintapalli Mandal in his letter Rc.No.1/2017/SA dt.30-11-2017 has reported that the Appellant never participated in the celebrations of the Village festivals such as Gangalamma, Korrakothalu and Kudumula Grama Festivals which are being celebrated by the Konda Dora sub-caste tribes every year without fail. There were no such people having surname of Namarla either from their fore fathers time or from their relatives or from anybody in ST Konda Dora community in Kudumula Village of Balapam Panchayat till to date. Even after thorough verification of the Revenue Records like SFA, Adangal, 1B records, the people having Namarla surname do not existence/or not traced in Village of Balapam Panchayat in Chintapalli Mandal. G. Apparao, S/o Balayya Dora, Ex.Sarpanch stated that there were no elders or children or the relatives of Appellant in Kudumula Village for the last 50 Years as per Grama Panchayathi Records, there was no residential house or any assessment number to any person on the surname of "Namarla" in Konda Dora Sub-caste in Kudumula Village, Balapam Panchayat of Chinthapalli Mandal. The Tahsildar, Chinthapalli reported (vide his another letter in Rc.No.1/2018/JA dt.17-02-2018 that 60 families are residing in Kudumula Village of Balapam Panchayat, Chintapalli Mandal and they are all belonging to Bhagatha, Konda Dora, Kodu of ST Community and their surnames are Gabulangi, Kondemula, Vanthala, Pangi and Korra. There was no house having the surname of Namarla from the Konda Dora sub-caste or from any other tribal sub-caste in Kudumula Village. All the Villagers have stated that no such surnames as Namarla to anyone in the Village since last 50 years. The Tahsildar, Chinthapalli Mandal has recommended for cancellation of the ST-Konda Dora caste certificate which was issued to the Appellant by the then Tahsildar, Chinthapalli Mandal as it has been proved false in all angles. The report of Tahsildar, Chinthapalli mandal was also scrutinized by the Sub-Collector, Paderu and the Sub-Collector, Paderu has submitted his Report that there are 244 people from 60 families are living in Kudumula Village of Balapam Panchayat, Chinthapalli Mandal and they are all belong to Tribal communities such as Bhagata, Konda Dora, Kodu and their surnames are like Gabulinga, Kondemula, Vanthala, Pangi and Korra etc and no people having such surname as "Namarla" existed in Konda Dora ST Community in the said Village for last 50 years. Accordingly, the matter has referred to DLSC headed by the Project Officer, Paderu conducting enquiry as the case related to scheduled area and to submit findings/recommendations. After examining the reports of the Officers, the DLSC has recommended for cancellation of his ST-Konda Dora Caste Certificate.

vi. After hearing of both sides it is concluded that as per G.O.Ms.No.57, General Administration (Spl.A) Department, dated 01-03-2014, the Project Officers in the Agency Areas have been nominated to act as Chairman of DLSC in respect of STs for Cancellation of Certificate obtained fraudulently as per the procedure laid down U/s 5 of AP(SC.ST.BC) Regulation of issuance of community certificates Act, 1993. The Project Officer ITDA is competent authority with regard to verification ST Caste Certificates. As per the guidelines issued in the AP (SC,ST,BC) Regulation of issue of Community Certificates Act, 1993 and Rules 1977.

vii. In the enquiry, the DLSC headed by the Project Officer ITDA has heard the caste claim of the Appellant on 12-11-2016, 29-12-2017 and 19-01-2018 and gave its finding to the District Collector, Visakhapatnam. Further in the instant case, as per Sub Rule 4 of Rule 8 of AP (SC,ST,BC) Rules 1997 has caused enquiry by following due process of Law. The DLSC thoroughly verified the Reports of the Sub-Collector, Paderu and Tahsildar, Chintapalli and the Reports of VROs and the enquiry conducted within the knowledge of the Appellant. Under sub Rule 6 of Rule 8 1993 of AP (SC, ST, BC) Rules 1997 to verify genuineness and the information also furnished to the Appellant.

viii. Further, the Appellant has been informed all the proceedings have taken place in DLSC and he was issued a show cause notice, the Appellant has availed all the opportunities. The due procedure envisaged in the case, it is not believable that DLSC have mostly depended upon the Reports of the Sub-Collector, Paderu and Tahsildar, Chintapalli and the Reports of VROs and the enquiry conducted without the knowledge of the Appellant. Under sub Rule 6 of Rule 8 1993of AP (SC,ST,BC) Rules, 1997, Regulation of issue of Community Certificates Rules 1977 have been followed at every stage of the enquiry. It is further concluded that the District Collector, Visakhapatnam also reported all the facts and circumstances for the enquiries made by all the Proper Authorities of Government and hence the Appeal preferred by the Appellant deserves no validity, merits for consideration and is liable to be dismissed. The Orders for cancellation of the Caste Certificate of the Appellant issued by the District Collector vide proceedings No.(M) R.Dis.No.2351/2015/C5, dated:25-06-2018 are hold good and confirmed by this Authority.

[Contd..on P.4]

ix. In the Result, the Appeal Petition filed by the Appellant is dismissed.

5. Government, after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred under Section 7(2) of A.P. Scheduled Castes, Scheduled Tribes and Backward Classes Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and rules made thereunder, decide that the appeal petition filed by Sri Namarla Satyanarayana, S/o Namarla Venkata Rao does not deserve any interference. Hence, the proceedings No.(M) R.Dis.No.2351/2015/C5, dated:25-06-2018 of the Collector & District Magistrate, Visakhapatnam are hereby upheld and the appeal petition filed Sri Namarla Satyanarayana, S/o Namarla Venkata Rao is hereby dismissed.

6. The Collector & District Magistrate, Visakhapatnam is directed to take necessary consequential action in the matter, as per the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and the rules made thereunder.

7. The records (R.Dis.No.2351/2015/C5, dt:25.06.2018 containing in (3) Volumes) received from the Collector & District Magistrate, Visakhapatnam are returned herewith in original to the Collector & District Magistrate, Visakhapatnam and he is requested to acknowledge the receipt of the same to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.M. NAYAK
SECRETARY TO GOVERNMENT (FAC)

To
The Collector & District Magistrate, Visakhapatnam.(we)
(With Original Records) **(BY RPAD)**

Sri Namarla Satyanarayana,
S/o Namarla Venkata Rao,
Occ: Asst. Commissioner, O/o the Commissioner (AR),
Customs, Excise and Service Tax Appellate Tribunal,
South Zone Bench, Shastri Bhavan, 26 Haddows Road,
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Tadepalli, Guntur Dist.-522501.
Ph: 9849205417.

Copy to:

The Commissioner (AR),
Customs, Excise and Service Tax Appellate Tribunal,
South Zone Bench, Shastri Bhavan, 26 Haddows Road,
Chennai-600006.(for favour of information)

The OSD to Hon'ble Minister(W&CW,TW).
The PS to Secretary(TW).
Sf/Sc(E-536676)

// FORWARDED:: BY ORDER //

SECTION OFFICER